

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK REED,

Plaintiff,

No. 13-10168

v.

District Judge Avern Cohn
Magistrate Judge R. Steven Whalen

VICKI LEWIS, ET AL.,

Defendants.

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ORDER GRANTING MOTION TO STAY DISCOVERY

Before the Court is Defendants' Motion to Stay Discovery [Doc. #13].

On March 15, 2013, Defendants' filed a Motion to Dismiss [Doc. #12], based on Plaintiff's alleged failure to state a claim, as well as sovereign and qualified immunity. "This Court has the discretion to stay discovery pursuant to Rule 26 of the Federal Rules of Civil Procedure pending a resolution of a motion to dismiss." *Williams v. Scottrade, Inc.*, 2006 WL 1722224, *1 (E.D. Mich. 2006)(Duggan, J.). *See also Gettings v. Building Laborers Local 310 Fringe Benefits Fund*, 349 F.3d 300, 304 (6th Cir.2003) (" 'Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined' ") (quoting *Hahn v. Star Bank*, 190 F.3d 708, 719 (6th Cir.1999)). A stay of discovery is appropriately granted where claims may be dismissed " 'based on legal determinations that could not have been altered by any further discovery.' " *Gettings*, 349 F.3d at 304 (quoting *Muzquiz v. W.A. Foote Mem. Hosp., Inc.*, 70 F.3d 422, 430 (6th Cir.1995)).

Accordingly, Defendants' Motion to Stay Discovery [Doc. #13] is GRANTED, and discovery is STAYED pending resolution of Defendants' Motion to Dismiss.

IT IS SO ORDERED.

Dated: July 15, 2013

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on July 15, 2013, electronically and/or by ordinary mean.

s/Michael Williams
Relief Case Manager for the
Honorable R. Steven Whalen